

# The Gazette of India



PUBLISHED BY AUTHORITY

No. 3] NEW DELHI, SATURDAY, APRIL 15, 1950

## PART II—Section 2

### Bills and Reports of Select Committees on Bills

#### PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 5th April, 1950:—

BILL No 29 OF 1950.

*A Bill to provide for the extension of laws to certain Part C States.*

Be it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Part C States (Laws) Act, 1950.

(2) It shall come into force on the 16th day of April, 1950.

2. **Power to extend enactments to certain Part C States.**—The Central Government may, by notification in the Official Gazette, extend to any Part C State (other than Coorg and the Andaman and Nicobar Islands) or to any part of such State, with such restrictions and modifications as it thinks fit, any enactment which is in force in a Part A State at the date of the notification; and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Central Act) which is for the time being applicable to that Part C State.

3. **Extension of laws to Tripura, Vindhya Pradesh and Manipur.**—(1) The Acts and Ordinances specified in the Schedule to the Merged States (Laws) Act, 1949 (LIX of 1949), are hereby extended to, and shall be in force in, the States of Tripura and Vindhya Pradesh, as they are generally in force in the territories to which they extend immediately before the commencement of this Act.

(2) The Acts and Ordinances referred to in sub-section (1), other than those specified in the Schedule to this Act, are hereby extended to, and shall be in force in, the State of Manipur as they are generally in force in the territories to which they extend immediately before the commencement of this Act:

Provided that the Indian Penal Code (Act XLV of 1860) in its application to the State of Manipur shall have effect as if—

(a) in section 361, for the word "eighteen" the word "fifteen" had been substituted, and

(b) in section 375, for the word "sixteen" in clause *Fifthly* the word "fourteen" had been substituted, and for the word "fifteen" in the *Exception* the word "thirteen" had been substituted.

(3) For the purpose of facilitating the application in the said States of any such Act or Ordinance as aforesaid, any court or other authority may construe the Act or Ordinance with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

**4. Repeals and savings.**—Section 7 of the Delhi Laws Act, 1912 (XIII of 1912), the Ajmer-Merwara (Extension of Laws) Act, 1947 (LII of 1947), and any law which immediately before the commencement of this Act is in force in any of the States of Manipur, Tripura and Vindhya Pradesh and corresponds to an Act or Ordinance extended to that State by this Act, are hereby repealed.

Provided that the repeal shall not affect—

- (a) the previous operation of any such law, or
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or
- (c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or extended, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate, patent, permit or licence granted or registration effected, under such law shall be deemed to have been done or taken under section 2 or, as the case may be, under the corresponding provision of the Act or Ordinance as now extended to the State by section 3, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said section 2 or, as the case may be, under the said Act or Ordinance.

#### THE SCHEDULE

[See section 8(2)]

Acts not extended to Manipur by section 8 of this Act

Year	No.	Short title
1866	XXI	The Native Convert's Marriage Dissolution Act, 1866.
1872	XV	The Indian Christian Marriage Act, 1872.
1873	X	The Indian Oaths Act, 1873.
1874	III	The Married Women's Property Act, 1874.
1879	XVII	The Legal Practitioners Act, 1879.
1882	IV	The Transfer of Property Act, 1882.
1887	VII	The Suits Valuation Act, 1887.
1898	V	The Code of Criminal Procedure, 1898.
1908	V	The Code of Civil Procedure, 1908.
1925	XXXIX	The Indian Succession Act, 1925.

### STATEMENT OF OBJECTS AND REASONS

Out of the 10 States specified in Part C of the First Schedule to the Constitution, only three, namely, Ajmer, Coorg and Delhi, have been provided with easy means of legislation to meet local requirements. Article 242 of the Constitution enables the Coorg Legislative Council to enact measures for that State, while the Ajmer-Merwara (Extension of Laws) Act, 1947, and section 7 of the Delhi Laws Act, 1912, empower the Central Government to extend to Ajmer and Delhi, respectively, any enactment which is in force in any Part A State or any other Part C State. This latter power has been frequently availed of in the past for extending to Delhi and Ajmer Provincial Acts, with modifications to suit local conditions, thereby saving very considerable expenditure of time and labour in the Central Legislature. It is proposed that the same power should be conferred on the Central Government in relation to the other seven Part C States.

The Merged States (Laws) Act, 1949, which came into force on 1st January, 1950, *inter alia* provided for the extension of all the more important Central Acts and Ordinances to four of the new Chief Commissioners' Provinces (now "Part C States"), namely, Bhopal, Bilaspur, Himachal Pradesh and Kutch. Three more Chief Commissioners' Provinces, namely, Manipur, Tripura and Vidhya Pradesh, subsequently came into existence on the 28th January, 1950 by virtue of the States Merger (Chief Commissioners' Provinces) Order, 1950. It is necessary to extend the above mentioned Central Acts and Ordinances *proprio vigore* to these three Part C States, instead of relying on the corresponding law, if any, which may have been in force in the corresponding Indian State at the time it was taken over by the Central Government or may subsequently have been applied by order under the Extra-Provincial Jurisdiction Act.

As regards Manipur which has large tribal areas, it is considered that the Civil and Criminal Procedure Codes and certain other Acts should not be brought into force immediately in the whole State, but should be applied later on with modifications for which power would be available under clause 2 of this Bill. The Indian Penal Code has also to be slightly modified in its application to this State in view of certain peculiar marriage customs prevailing there.

The Bill is designed to give effect to the above proposals.

B. R. AMBEDKAR.

NEW DELHI;

*The 24th February, 1950.*

### BILL NO. 80 OF 1950

*A Bill further to amend the Foreign Exchange Regulation Act, 1947.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1950.

**2. Amendment of section 1, Act VII of 1947.**—In sub-section (2) of section 1 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the said Act), for the words and letter "Part B States", the words "the State of Jammu and Kashmir" shall be substituted.

**3. Amendment of section 2, Act VII of 1947.**—In section 2 of the said Act,—

(i) in clause (k), for the words and figures "Indian Securities Act, 1920" the words and figures "Public Debt Act, 1944" shall be substituted.

(ii) for clause (ll), the following clause shall be substituted, namely:—

‘‘(m) “the States” means the territories comprised within the States to which this Act extends;’;

(iii) the existing clause (m) shall be renumbered as clause (n); and

(iv) after clause (n), as so relettered, the following clause shall be added, namely:—

‘‘(o) any reference to an enactment which does not extend to a Part B State shall be construed as a reference to the corresponding enactment, if any, for the time being in force in that State.”.

**4. Amendment of section 18, Act VII of 1947.**—In section 18 of the said Act,—

(i) in sub-section (1), the words “or the United Kingdom” shall be omitted, and

(ii) in sub-section (2), the words “United Kingdom or” shall be omitted.

**5. Amendment of section 23, Act VII of 1947.**—In section 23 of the said Act,—

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

‘‘(2) Notwithstanding anything contained in section 82 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any magistrate of the first class, specially empowered in this behalf by the State Government, and for any presidency magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of an offence punishable under this section.”;

and

(ii) the existing sub-sections (2) and (3) shall be renumbered as sub-section (3) and (4), respectively.

**6. Repeals and savings.**—(1) If immediately before the commencement of this Act, there is in force, in any Part B State to which this Act extends, a law corresponding to the Foreign Exchange Regulation Act, 1947 (VII of 1947), such law shall, upon the commencement of this Act, stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed law shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Foreign Exchange Regulation Act, 1947, as amended by this Act, as if that Act as so amended were in force on the date on which such thing was done or action was taken.

#### STATEMENT OF OBJECTS AND REASONS

Section 18 of the Foreign Exchange Regulation Act, 1947, is sought to be amended so as to withdraw the preferential treatment accorded to United Kingdom companies and individuals under this section. Such facilities are not granted to companies or individuals of any other country, and these provisions had to be made in 1947 in favour of United Kingdom companies and individuals, in view of Chapter III of Part V of the Government of India Act, 1935, as it then existed, which required that no discrimination should be made between Indian and United Kingdom commercial interests.

217

Section 28 of the said Act gave trying magistrates power to impose fines up to Rs. 1,000 only for offences in contravention of the said Act. This punishment is hardly deterrent and it is necessary to have this power to levy a fine extended without limit.

This opportunity to amend the Bill is also utilised to extend the Act to all Part B States except the State of Jammu and Kashmir.

JOHN MATTHAI.

NEW DELHI;

*The 23rd March, 1950.*

BILL\* No. 31 OF 1950

*A Bill to provide for the extension of certain opium and revenue laws to certain parts of India.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Opium and Revenue Laws (Extension of Application) Act, 1950

**2. Extension of certain opium and revenue laws to certain parts of India.**—

(1) The following Acts, namely,—

- (i) the Opium Act, 1857 (XIII of 1857),
- (ii) the Opium Act, 1878 (I of 1878),
- (iii) the Revenue Recovery Act, 1890 (I of 1890),
- (iv) the Government Trading Taxation Act, 1926 (II of 1926),
- (v) the Dangerous Drugs Act, 1930 (II of 1930),
- (vi) the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), and
- (vii) the Payment of Taxes (Transfer of Property) Act, 1949 (XXII of 1949),

and all rules and orders made thereunder, which are in force immediately before the commencement of this Act in certain parts of India, are hereby extended to, and shall be in force in, the rest of India except the State of Jammu and Kashmir.

(2) The amendments specified in the Schedule shall be made in the aforesaid Acts.

**3. Modifications of State laws relating to income-tax investigation.**—If immediately before the commencement of this Act there is in force in any Part B State other than Jammu and Kashmir any law (hereinafter in this section referred to as "the State law") corresponding to the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), that law shall continue to remain in force with the following modifications, namely:—

(a) all cases referred to or pending before the State Commission (by whatever name called) in respect of matters relating to taxation on income other than agricultural income shall stand transferred to the Central Commission for disposal:

Provided that the Central Commission shall not, by reason merely of the transfer of any case under the provisions of this section, be bound to recall or rehear any witness who has given evidence in the case, and may

\*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Parliament the introduction of the Bill.

act on the evidence already recorded by or produced before the Commission which was originally investigating into the case;

(b) subject to the other provisions contained in this section, the State law shall, so far as may be, apply to determine the procedure that may be followed, and the powers that may be exercised, by the Central Commission in the disposal of the cases transferred to it under clause (a);

(c) any reference in the State law, by whatever form of words, to the State Government or the State Commission shall, in relation to income other than agricultural income, be construed as a reference to the Central Government or the Central Commission, as the case may be;

(d) the report of the Central Commission shall be submitted to the Central Government, and the Central Government may, by order in writing, direct that such proceedings as it thinks fit under the law in force in the State relating to income-tax, super-tax or excess profits tax or any other law, shall be taken against the person to whose case the report relates in respect of his income other than agricultural income, and upon such a direction being given, all such proceedings may be taken and completed under the appropriate law applicable in the State, as if the direction had been given and the proceedings had been instituted thereunder;

(e) where under any law in force in the State the agricultural income of an assessee is to be included in his total income for the purpose of determining the tax payable by him, the tax payable in respect of his income other than agricultural income shall be an amount bearing to the total amount of tax which would have been payable under the appropriate law in force in the State if a combined assessment had been made, the same proportion as such income bears to the total income including the agricultural income:

Provided that for this purpose any reduction of tax allowed on the agricultural income by the appropriate law in force in the State shall not be taken into account.

*Explanation.*—In this section, “Central Commission” means the Income-tax Investigation Commission constituted under the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947).

**i. Repeals and savings.**—If immediately before the commencement of this Act there is in force in any Part B State, other than Jammu and Kashmir, or in the merged territory of Cooch Behar any law corresponding to any of the Acts specified in section 2, other than the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), that law shall, upon the commencement of this Act, stand repealed:

Provided that such repeal shall not affect—

(a) the previous operation of that law, or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against that law, or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that anything done or any action taken under any provision of that law shall be deemed to have been done or taken under the corresponding provision of the Central Act as now extended to the State and shall continue in force accordingly.

**5. Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of any of the Acts, rules or orders now extended to any part of India in which they were not in force before the commencement of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction as appears to it to be necessary for removing the difficulty.

### THE SCHEDULE

[ See section 2 (2) ]

*Enactments amended*

Year 1	No. 2	Short title 3	Amendments 4
1857	XIII	The Opium Act, 1857.	<p>(1) In the preamble, omit the words "in the Presidency of Fort William in Bengal".</p> <p>(2) Insert the following as section 1, namely :—</p> <p>“1. <i>Short title and extent.</i>—(1) This Act may be called the Opium Act, 1857.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir.”</p> <p>(1) In section 1, for the words beginning with “It shall extend to” and ending with the words “directs in this behalf”, substitute the following, namely :—</p> <p>“It extends to the whole of India except the State of Jammu and Kashmir.”</p> <p>(2) In section 3, for the definitions of “import”, “export”, “transport”, “sale” and “sell”, substitute the following, namely :—</p> <p>“customs frontiers” means any of the customs frontiers of India as defined by the Central Government under section 3A of the Sea Customs Act, 1878 (VIII of 1878) ;</p> <p>“import” and “export” mean respectively to bring into, or take out of, a State otherwise than across any customs frontiers ;</p> <p>“transport” means to remove from one place to another within the same State ;</p> <p>“sale” does not include sale for export across customs frontiers, and “sell” shall be construed accordingly.”</p>
1878	I	The Opium Act, 1878.	<p>(1) In sub-section (2) of section 1, for the words and letter “Part B States” substitute the words “the State of Jammu and Kashmir”.</p> <p>(2) In sub-section (4) of section 4, for the words and letters “a Part A State or a Part C State” substitute the words “any State to which this Act extends”.</p>
1890	I	The Revenue Recovery Act, 1890.	<p>(1) In the preamble, omit the words “or the Government of any Acceding State or other Indian State”.</p> <p>(2) In section 2,—</p> <p>(a) in sub-section (1), for the words, “in Part A States and Part C States” substitute the word “India” ;</p> <p>(b) omit sub-section (1A);</p>
1926	III	The Government Trading Taxation Act, 1926.	

Year 1	No. 2	Short title 3	Amendments 4
1930	II	The Dangerous Drugs Act, 1930.	(c) in sub-section (3), add the following words at the end, namely :— “and “India” means the territory of India excluding the State of Jammu and Kashmir”.
1947	XXX	The Taxation on Income (Investigation Commission) Act, 1947.	(3) In section 3, for the words “upon an Accessing State or other Indian State” substitute the words and letter “upon a Part B State”. (1) In sub-section (2) of section 1, for the words and letter “Part B States” substitute the words “the State of Jammu and Kashmir”. (2) In sub-section (7) of section 39, for the words and letters “or an Act of the Legislature of a Part A State or Part C State” substitute the words “or an Act of any State Legislature”.
1949	XXII	The Payment of Taxes (Transfer of Property) Act, 1949.	In sub-section (2) of section 1, for the words and letter “Part B State” substitute the words “the State of Jammu and Kashmir”. (1) In sub-section (2) of section 1, for the words and letter “Part B States” substitute the words “the State of Jammu and Kashmir”. (2) In the <i>Explanation</i> to section 2, for the words and letter “Part B States” substitute the words “the State of Jammu and Kashmir”.

### STATEMENT OF OBJECTS AND REASONS

The main laws relating to income-tax and duties of customs and central excises are being extended to the rest of India and a provision therefor has been made in the Finance Bill as the extension of these laws formed part of the Budget proposals. The object of this Bill is to extend other ancillary laws to the rest of India excluding the State of Jammu and Kashmir.

JOHN MATTHAI.

NEW DELHI;  
The 25th March, 1950.

The following Bill was introduced in Parliament on the 8th April, 1950:—

BILL\* No. 32 OF 1950

*A Bill to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.*

Be it enacted by Parliament as follows:—

1. **Short title and extent.**—(1) This Act may be called the Displaced Persons (Claims) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

\*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Parliament the consideration of the Bill.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) "claim" means the assertion of a right to the ownership of, or to any interest in,—

(i) any immovable property in West Pakistan which is situate within an urban area, or which, being situate elsewhere, either forms part of the assets of an industrial undertaking or consists of a building (including any other structure in immediate connection with the building without the occupation of which the building cannot be conveniently occupied and enjoyed) the estimated cost of constructing which at the present prevailing rates is not less than Rs. 20,000; or

(ii) any agricultural land in any part of West Pakistan other than West Punjab;

(b) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has, after the 1st day of March, 1947 left, or been displaced from, his place of residence in such area and who has been subsequently residing in India and includes any person who is resident in any place in India and who for that reason is unable or has been made unable to manage, supervise or control any immovable property belonging to him in Pakistan;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "urban area" means any area within the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area, a small town committee or a cantonment, as those limits existed on the 15th day of August, 1947;

(e) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

**3. Appointment of Registering Officers, etc.**—(1) The Central Government may, by notification in the Official Gazette, appoint as many Registering Officers as may be necessary for the purpose of registering claims and every Registering Officer shall exercise his functions in such area or areas as may be specified in the notification.

(2) A Registering Officer may, for the purpose of discharging his functions under this Act, appoint as many assistant registering officers as he may consider necessary and an assistant registering officer shall, subject to the general superintendence and control of the Registering Officer, have all the powers of a Registering Officer under this Act.

**4. Power to appoint the Chief Claims Commissioner, etc.**—(1) The Central Government may, by notification in the Official Gazette, appoint a Chief Claims Commissioner, and as many Claims Commissioners and Claims Officers as may be necessary for the purpose of discharging the duties imposed on them by or under this Act, and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.

(2) Subject to the provisions of this Act, all Claims Commissioners and Claims Officers shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Chief Claims Commissioner.

**5. Registration of claims.**—(1) A displaced person may, within such time, in such form and on payment of such fee as may be prescribed, submit his claim to a Registering Officer in the prescribed manner for the registration of such claim.

(2) On receipt of a claim under sub-section (1), the Registering Officer shall register the claim in the prescribed manner and forward the relevant papers to the Central Government.

**6. Jurisdiction of Claims Officers.**—(1) A Claims Officer shall have jurisdiction to decide such cases or such classes of cases as may, by general or special order, be transferred to him by the Central Government or by an officer empowered in this behalf by the Central Government.

(2) A Claims Officer shall hold a summary inquiry into the cases transferred to him and, after taking such evidence and examining such documents, as may be necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(3) The decision of the Claims Officer shall be final:

Provided that the Chief Claims Commissioner may call for the record of any case which has been decided by the Claims Officer and may make such order in the case as he thinks fit.

**7. Powers of Claims Officers.**—(1) A Claims Officer shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record from any court or office;
- (d) issuing commissions for the examination of witnesses;
- (e) appointing guardians or next friends of any person who is a minor or of unsound mind;
- (f) any other matter which may be prescribed.

(2) A Claims Officer may, if he so thinks fit, and shall, if so required by the Chief Claims Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

(3) A Claims Officer shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before any such Claims Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

**8. Power to transfer cases.**—The Central Government or the Chief Claims Commissioner may, by order in writing, at any stage transfer any case pending before a Claims Officer to another Claims Officer and the Claims Officer, to whom the case is so transferred, may, subject to any special direction in the order of transfer, proceed from the stage at which it was so transferred.

**9. Certain officers to be public servants.**—The Chief Claims Commissioner and all Claims Commissioners, Claims Officers, Registering Officers and assistant registering officers appointed under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

**10. Bar of jurisdiction of civil courts.**—No civil court shall have jurisdiction in respect of any matter which the Chief Claims Commissioner or the Claims Officer is empowered by or under this Act, to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

**11. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall be against the Central Government or any person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

**12. Penalty.**—Any person who—

(a) submits, in respect of his claim under this Act, any information which he knows to be false or does not believe to be true, or

(b) submits his claim to more than one Registering Officer, shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

**13. Penalty for abetment.**—Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

**14. Cognizance of offences by courts.**—No court shall take cognizance of any offence punishable under this Act save upon complaint in writing made by an officer authorised by the Central Government by general or special order in this behalf.

**15. Forfeiture of claims to any benefit for rehabilitation purposes.**—Any person who commits an offence punishable under this Act may, without prejudice to any other penalty provided for in this Act, forfeit his claim to any benefit for rehabilitation purposes to which he would otherwise be entitled or be required to surrender any benefit received by him for rehabilitation purposes.

**16. Delegation of powers.**—(1) The Central Government may, by general or special order, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Claims Commissioner.

(2) Subject to the provisions of this Act and the rules made thereunder, the Chief Claims Commissioner may delegate all or any of his powers under this Act to any Claims Commissioner as may be specified by the Chief Claims Commissioner.

**17. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which claims may be submitted by displaced persons to Registering Officers;

(b) levy of fee, subject to such exceptions, if any, in respect of any claim which may be submitted under section 5;

(c) the manner in which claims may be registered;

(d) the manner in which any inquiry may be held by Claims Officers; the procedure to be followed by Claims Officers;

(e) the powers vested in a civil court which may be exercised by a Claims Officer while holding any inquiry under this Act;

(f) any other matter which has to be, or may be, prescribed under this Act.

**18. Repeal of Ordinance V of 1950.**—(1) The Displaced Persons (Claims) Ordinance, 1950 (V of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

### STATEMENT OF OBJECTS AND REASONS

The scheme of rehabilitation which is being worked out by Government contemplates quasi-permanent allotment of evictee property to such of the displaced persons as owned immovable property in Pakistan. Necessary action on the basis of exchanged revenue records has been taken for allotting rural property to displaced persons from West Punjab and to those of Punjabi extraction from the other areas of Western Pakistan. In regard to owners of urban property, from Western Pakistan and rural land owners of non-Punjabi extraction from regions of Western Pakistan other than West Punjab, it is necessary to obtain accurate information of the immovable property which they have left behind. The object of this Bill is to empower Government to receive, register and verify claims of displaced persons in respect of immovable property which they have left behind in Western Pakistan. The Bill prescribes penalties for submission of false or double claims. An Ordinance was promulgated on the 19th January with these objects and purposes and this Bill seeks to replace this Ordinance for these objects and purposes.

MOHAN LAL SAKSENA.

NEW DELHI;

*The 16th February, 1950.*

The following Bills were introduced in Parliament on the 11th April, 1950:—

BILL\* No. 83 OF 1950

*A Bill to provide for the establishment of Judicial Commissioners' Courts and other courts in Bhopal and Vindhya Pradesh.*

Be it enacted by Parliament as follows:—

### CHAPTER I

#### PRELIMINARY

**1. Short title and extent.**—(1) This Act may be called the Bhopal and Vindhya Pradesh (Courts) Act, 1950.

(2) It extends to the States of Bhopal and Vindhya Pradesh.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(i) "Chief Commissioner" means the Chief Commissioner of the State;

(ii) "Court of the Judicial Commissioner" means the Court of the Judicial Commissioner of the State and includes the Court of the Additional Judicial Commissioner, if any;

(iii) "district court" means the court of the district judge and includes the court of an additional district judge;

\*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Parliament the consideration of the Bill.

(iv) " land suit " means a suit for the establishment of title to land or for possession of land or in which any right or interest in land is claimed ;

(v) " small cause suit " means a suit of the nature cognizable by a court of small causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887) ;

(vi) " State " means the State of Bhopal or the State of Vindhya Pradesh, as the case may be ;

(vii) " unclassed suit " means a suit which is neither a land suit nor a small cause suit.

## CHAPTER II

### COURT OF THE JUDICIAL COMMISSIONER

**3. Establishment of the Court of the Judicial Commissioner.**—There shall be established for each of the States of Bhopal and Vindhya Pradesh a Court to be known as the Court of the Judicial Commissioner which shall consist of the Judicial Commissioner and one or more Additional Judicial Commissioners as the Central Government may think fit to appoint thereto.

**4. Qualifications for appointment as Judicial Commissioners or Additional Judicial Commissioners.**—A person shall not be qualified for appointment as a Judicial Commissioner or an Additional Judicial Commissioner, unless he—

(a) is qualified to be appointed as a Judge of a High Court under clause (2) of article 217 of the Constitution ; or

(b) has been the Chief Justice or a Judge of the High Court of Bhopal or Vindhya Pradesh, as the case may be ; or

(c) has for at least five years served as, or exercised the powers of, a district judge in the State ; or

(d) has served for at least ten years as a subordinate judge in the State ; or

(e) is or has acted as the Legal Remembrancer of the State ; or

(f) has for at least ten years been a pleader of the High Court of Bhopal or Vindhya Pradesh, as the case may be, or, before the establishment of any of those Courts of any court exercising the highest civil and criminal jurisdiction in the State.

**5. Casual vacancy in the office of the Judicial Commissioner.**—On the occurrence of a vacancy in the office of the Judicial Commissioner, the Additional Judicial Commissioner, if any, or, if there be more than one Additional Judicial Commissioner, the senior among them, shall, pending the appointment of the Judicial Commissioner, act as the Judicial Commissioner.

**6. Rank, precedence and responsibility of Judicial Commissioner.**—The Judicial Commissioner shall have rank and precedence before the Additional Judicial Commissioner and shall be responsible for the administration and generally for the distribution of business of the Court of the Judicial Commissioner.

**7. Exercise of jurisdiction by Judicial Commissioner and Additional Judicial Commissioner.**—Save as provided by this Act and subject to such orders as the Judicial Commissioner may make as regards the distribution of business between himself and the Additional Judicial Commissioners, the jurisdiction of the Court of the Judicial Commissioner may be exercised by the Judicial Commissioner or by any Additional Judicial Commissioner.

**8. Civil and criminal jurisdiction of the Court of the Judicial Commissioner.**—Save as otherwise provided by this Act or any other law for the time being in force, the Court of the Judicial Commissioner shall, with reference to any civil or criminal proceeding under any law for the time being in force in the State be the highest court of appeal, revision or reference.

**9. Registrar and ministerial officers.**—(1) The Judicial Commissioner may appoint a Registrar and such other ministerial officers as may be necessary for the administration of justice by the Court of the Judicial Commissioner and for the exercise of powers and the performance of the duties conferred or imposed on it by this Act or any other law for the time being in force.

(2) The Judicial Commissioner may make rules for delegating to the Registrar such powers and duties of a judicial, quasi-judicial or non-judicial nature as he deems fit.

**10. Registers, books and accounts and statements to be kept by Judicial Commissioner.**—(1) The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the Chief Commissioner, such of those registers, books and accounts and such statements of the work done in the Court as may from time to time be required by the Chief Commissioner.

(2) The Court of the Judicial Commissioner shall also comply with such requisitions as may be made by the Central Government or the Chief Commissioner for certified copies of, or extracts from, the records of the Court of the Judicial Commissioner or any court subordinate thereto.

**11. Procedure of the Court of the Judicial Commissioner.**—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Act V of 1908), or the Code of Criminal Procedure, 1898 (Act V of 1898), the Court of the Judicial Commissioner may record evidence and judgments in such manner and prescribe such forms to be used in proceedings before it as it may direct by rules made by it with the sanction of the Chief Commissioner.

**12. Admission and removal of advocates, vakils and pleaders.**—(1) The Court of the Judicial Commissioner may, subject to such rules as it may with the sanction of the Chief Commissioner make, admit proper persons to be advocates, vakils and pleaders in any court in the State and may remove or suspend from practice on reasonable cause any person so admitted and may authorise such advocates, vakils and pleaders to plead and to act for suitors and accused persons:

Provided that advocates, vakils and pleaders who, immediately before the 25th day of January, 1950 held a *sanad* for practising in the High Court of the State shall be entitled to appear, plead and act as advocates, vakils and pleaders in the Court of the Judicial Commissioner and in all courts subordinate thereto.

(2) No person other than an advocate, vakil or pleader shall be allowed to plead and act for suitors and accused persons, except that any suitor may appear, plead or act on his own behalf or on behalf of a co-suitor if so authorised.

**13. Seat of the Court of the Judicial Commissioner.**—The Court of the Judicial Commissioner for Bhopal shall sit at Bhopal and the Court of the Judicial Commissioner for Vidhya Pradesh shall sit at Rewa :

Provided that either Court may sit at such other place or places as the Judicial Commissioner may, with the approval of the Chief Commissioner, from time to time, appoint.

### CHAPTER III

#### SUBORDINATE COURTS

**14. Classes of courts.**—In addition to the Court of the Judicial Commissioner and the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887 (IX of 1887), and the courts established under any other law for the time being in force, there shall be the following classes of civil courts, namely:—

(i) the court of the district judge;

(ii) the court of a subordinate judge;

(iii) the court of a munsiff:

Provide<sup>1</sup> that in the case of the State of Vidhya Pradesh, courts of subordinate judges shall be established only with effect from such date as the State Government may, by notification in the Official Gazette, specify.

**15. Civil districts and district judges.**—(1) For the purposes of this Chapter, the Chief Commissioner may, by notification in the Official Gazette, divide the State into civil districts and may alter the limits or the number of such districts and may determine the headquarters of each such district.

(2) The Chief Commissioner shall, after consultation with the Judicial Commissioner, appoint as many persons as he thinks necessary to be district judges and shall post one such person to each district as district judge of that district.

Provided that the same person may, if the Chief Commissioner thinks fit, be appointed to be the district judge of two or more districts.

**16. Additional district judges.**—(1) When the business pending before the court of a district judge requires the aid of an additional judge or judges for its speedy disposal the Chief Commissioner may, after consultation with the Judicial Commissioner, appoint such additional district judges as may be necessary.

(2) An additional district judge so appointed shall discharge any of the functions of a district judge which the district judge may assign to him, and in the discharge of his functions he shall exercise the same powers as the district judge.

**17. Munsiffs and subordinate judges.**—(1) The Chief Commissioner may, after consultation with the Judicial Commissioner, fix the number of subordinate judges and munsiffs to be appointed and, if there is a vacancy in that number, may, subject to the rules, if any, made under sub-section (2), appoint such person as is nominated by the Judicial Commissioner to the vacancy.

(2) The Chief Commissioner may, after consultation with the Judicial Commissioner, make rules as to the qualifications of persons to be appointed as subordinate judges and munsiffs.

**18. District court to be principal civil court of original jurisdiction.**—The court of the district judge shall be the principal civil court of original jurisdiction in the district.

**19. Original jurisdiction of district courts.**—Save as otherwise provided by any other law for the time being in force, the court of the district judge shall have original jurisdiction in civil suits without limit as regards the value.

**20. Original jurisdiction of subordinate judges and munsiffs.**—The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a subordinate judge or a munsiff shall be determined by the Chief Commissioner, after consultation with the Judicial Commissioner, in such manner as he thinks fit.

**21. Local limits of jurisdiction of munsiffs and subordinate judges.**—(1) The local limits of the jurisdiction of a subordinate judge or a munsiff shall be such as the Chief Commissioner may, by notification in the Official Gazette, define.

(2) When the Chief Commissioner posts a subordinate judge to a district, the local limits of the district shall, in the absence of any directions to the contrary, be the local limits of his jurisdiction.

**22. Powers of the Chief Commissioner to regulate the institution of particular class of suits.**—Notwithstanding anything contained in sections 18, 19, 20 and 21, the Chief Commissioner may, by order published in the Official Gazette, direct that any particular class or classes of suits shall only be instituted in any particular court or courts.

**23. Honorary subordinate judges or munsiffs.**—(1) The Chief Commissioner may, after consultation with the Judicial Commissioner, appoint any person to be an honorary subordinate judge or an honorary munsiff and may confer on such judge or munsiff all or any of the powers conferable under this Act on a subordinate judge or a munsiff, as the case may be, with respect to any class of suits or withdraw or suspend the exercise of any powers so conferred.

(2) Any person on whom powers are conferred under sub-section (1) shall be deemed for the purposes of this Act to be a subordinate judge or a munsiff, as the case may be.

**24. Small cause jurisdiction of subordinate judge or munsiff.**—The Chief Commissioner may, by notification in the Official Gazette, confer within such local limits as he thinks fit on a subordinate judge or a munsiff the jurisdiction of a judge of the Court of Small Causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887), for the trial of small cause suits up to such value, not exceeding five hundred rupees in the case of a subordinate judge or one hundred rupees in the case of a munsiff as the Chief Commissioner thinks fit, and may withdraw any jurisdiction so conferred.

**25. Exercise by subordinate judges of jurisdiction of district court in certain proceedings.**—(1) The Judicial Commissioner may, by general or special order, authorise any subordinate judge to take cognizance of, and any district judge to transfer to a subordinate judge under his control, any proceeding or any class of proceeding, specified in such order, under—

- (a) the Indian Succession Act, 1925 (XXXIX of 1925); or
- (b) the Guardians and Wards Act, 1890 (VIII of 1890); or
- (c) the Provincial Insolvency Act, 1920 (V of 1920).

(2) The district judge may withdraw any such proceeding taken cognizance of by, or transferred to, a subordinate judge under his control, and may either dispose of it himself or transfer it to any other competent court.

(3) Proceedings taken cognizance of by, or transferred to, a subordinate judge under this section shall be disposed of by him, subject to the rules applicable to like proceedings in the court of the district judge.

**26. Place of sitting of courts.**—(1) The Chief Commissioner may by order fix the place or places at which any court constituted under this Chapter is to be held.

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.

(3) Save as otherwise provided by an order under this section, a court constituted under this Chapter may be held at any place within the local limits of its jurisdiction.

**27. Control of courts by district judges.**—Subject to the general superintendence and control of the Judicial Commissioner, the district judge shall have control over all the civil courts within the local limits of his jurisdiction.

**28. Ministerial officers of courts.**—(1) The ministerial officers of the district court shall be appointed by the district judge.

(2) The ministerial officers of civil courts under the control of the district judge shall be appointed by the district judge.

(3) Every appointment under this section shall be subject to such rules as the Judicial Commissioner, with the approval of the Chief Commissioner, may make in this behalf.

**29. Delegation of powers of district judge and district court.**—The district judge may, with the previous sanction of the Judicial Commissioner, delegate to the judge of any court under his control all or any of the powers conferred on the district judge by section 27 of this Act and on a district court by section 24 of the Code of Civil Procedure, 1908 (Act V of 1908), to be exercised by such judge in any specified portion of the district, subject to the control of the district judge.

## CHAPTER IV

### APPELLATE AND REVISIONAL JURISDICTION IN CIVIL CASES.

**30. Appeals from original decrees.**—Save as otherwise provided by any law for the time being in force, appeals from decrees of courts exercising original jurisdiction shall lie as follows:—

(a) from a decree of a munsiff in any suit and of a subordinate judge in a suit the value of which does not exceed five thousand rupees, to the court of the district judge, and

(b) in all other cases, to the Court of the Judicial Commissioner :

Provided that the Judicial Commissioner, with the previous sanction of the Chief Commissioner, may, by notification in the Official Gazette, direct that appeals lying to the court of the district judge from all or any of the decrees passed by a munsiff or by a subordinate judge in a small cause suit the value of which does not exceed five hundred rupees or in any unclassed suit the value of which does not exceed one hundred rupees shall be preferred to such other subordinate judge as may be mentioned in the notification, and the appeals shall thereupon be preferred accordingly, and the court of such other subordinate judge shall be deemed to be the court of the district judge for the purposes of all appeals so preferred.

**31. Appeals from appellate decrees.**—(1) Save as otherwise provided by any law for the time being in force a second appeal shall lie to the Court of the Judicial Commissioner in any of the following cases from an appellate decree of a district court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

(a) in a small cause suit or unclassed suit—

(i) if the value of the suit is one thousand rupees or upwards, or the decree involves directly some claim to, or question respecting property of like value and the decree of the district court varies or reverses, otherwise than as to costs, the decree of the court below, or

(ii) if the value of the suit is two thousand five hundred rupees or upwards, or the decree of the district court involves directly some claim to, or question respecting, property of like value ;

(b) in a land suit—

(i) if the value of the suit is two hundred and fifty rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the district court varies or reverses, otherwise than as to costs, the decree of the court below, or

(ii) if the value of the suit is one thousand rupees or upwards, or the decree of the district court involves directly some claim to, or question respecting, property of like value.

(2) The provisions of Order XLI of the Code of Civil Procedure, 1908 (Act V of 1908) other than rule 34 of the said Order, shall apply, so far as may be, to a second appeal under this section and to the execution of a decree passed on any such appeal.

**32. Finality of appellate decree of district court.**—Subject to the provisions of section 31 and 34 an appellate decree of a district court shall be final.

**33. Period of limitation.**—(1) The period of limitation for a second appeal, under section 31 shall be ninety days from the date of the decree appealed against.

(2) In computing such period and in all other respects not herein specified, the period of limitation of the apell shall be governed by the provisions of the Indian Limitation Act, 1908 (IX of 1908).

**34. Revisional powers of the Court of the Judicial Commissioner.**—(1) The Court of the Judicial Commissioner may call for the record of any case which has been decided by a civil court subordinate to it and in which no appeal lies to it, and

(a) if any civil court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested, or to have acted in the exercise of its jurisdiction with material irregularity, or

(b) if on an application made to it the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom involved and that such question requires further consideration,

the Court of the Judicial Commissioner may make such order in the case as it thinks fit :

Provided that—

(i) no application under clause (b) shall be entertained after the expiration of ninety days from the date of the order in respect of which the application is made unless the applicant satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making the application within that period,

(ii) no such application shall be admitted in a small cause suit under the value of one thousand rupees or in an unclassed suit under the value of two hundred rupees,

(iii) on any such application the Court of the Judicial Commissioner shall not revise the decision of the court below except in so far as such decision involves a question of law or custom in respect of which the application has been admitted, and

(iv) when any such application has been admitted, the Court of the Judicial Commissioner shall, subject to proviso (iii), treat the matter of the application as if it were an appeal.

*Explanation*—A question of procedure is not a question of law or custom within the meaning of clause (b).

(2) In computing the period of limitation mentioned in proviso (i) to sub-section (1) and in all other respects not herein specified, the period of limitation of the application shall be governed by the provisions of the Indian Limitation Act, 1908 (IX of 1908).

(3) Section 115 of the Code of Civil Procedure, 1908 (Act V of 1908), shall not apply to the States of Bhopal or Vidhyan Prades.

**35. Court-fees payable on revision.**—(1) The court-fees payable on applications to the Court of the Judicial Commissioner for the exercise of its jurisdiction under section 34 shall be the same as those for the time being payable on like applications to the High Court of Judicature at Nagpur.

(2) If the Court of the Judicial Commissioner, on an application in respect of which the fee payable under sub-section (1) has been paid, sets aside or modifies a decree or order of the court below or remands the case for a fresh decision, the Court of the Judicial Commissioner may grant to the applicant a certificate authorising him to receive back from the Collector of the district in which such court is situated the full amount of such fee or such part thereof as the Court of the Judicial Commissioner, having regard to the circumstances of the case, may think fit.

## CHAPTER V

MISCELLANEOUS

**36. Temporary vacancies in office of district judge.**—In the event of the death of a district judge or of his being prevented from performing his duties by illness or other cause or of his absence from the civil district on leave, the additional district judge, if any, in the district or where there is no such additional district judge the first in rank of the subordinate judges, if any, shall assume charge of the district court, without interruption to his ordinary duties, and while so in charge, shall perform the duties of a district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the additional district judge, or the subordinate judge, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed, or assumed by an officer duly appointed thereto.

**37. Delegation of powers of district judge.**—Any district judge leaving the headquarters and proceeding on duty to any place within his district may delegate to the additional district judge, if any, or where there is no such additional district judge, to a subordinate judge at the headquarters, the power of performing such duties, specified in section 36 as may be emergent, and such officer shall be designated as the additional district judge or the subordinate judge, as the case may be, in charge of the headquarters.

**38. Temporary vacancy in office of subordinate judge.**—In the event of the death, suspension or temporary absence of any subordinate judge or a munsiff, the district judge may empower the judge of any subordinate court or the court of a munsiff of the same civil district to perform the duties of the judge of the vacated subordinate court or the court of the munsiff, as the case may be, either at the place of such court or of his own court; but in every such case the registers and records of the two courts shall be kept distinct.

**39. Continuance of powers of officers.**—Where any person holding an office in the service of the State Government who has been invested with any powers under this Act throughout any local area is transferred or posted to an equal or higher office of the same nature within a like local area, he shall, unless the Chief Commissioner otherwise directs, or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

**40. Vacations.**—(1) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as closed holidays in the Court of the Judicial Commissioner and the civil courts subordinate to that Court.

(2) The list shall be published in the Official Gazette.

(3) Any judicial act done by a civil court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

**41. Power to make rules.**—The Court of the Judicial Commissioner may, from time to time, make rules consistent with this Act and any other law for the time being in force—

(a) for the supervision of all courts subordinate to the Court of the Judicial Commissioner and their inspection;

(b) for the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or transcripts and the recovery from the persons at whose instance or on whose behalf papers are filed, of the expenses thereby incurred;

(c) the fees to be charged for processes issued by civil courts, or by any officer of any such court and the fee payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceedings;

(d) the manner in which proceedings of civil courts shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies;

(e) all matters relating to officers of court;

(f) declaring what persons shall be permitted to act as petition writers in the courts subordinate thereto;

(g) regulating the issue of licences to such persons, the conduct of business by them and the scale of fees to be charged by them; and

(h) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

**42. Abolition of certain courts.**—All civil courts, other than the Court of the Judicial Commissioner, which are in existence in the State of Vindhya Pradesh at the commencement of this Act (hereinafter referred to as "the existing civil courts"), are hereby abolished.

**43. Existing rights not affected.**—(1) The abolition of any existing civil courts under section 42 shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceeding taken before the commencement of this Act by such civil court under the powers then conferred upon it.

(2) Every appeal, suit or other proceeding pending before any of the existing civil courts immediately before the commencement of this Act shall, on such commencement, stand transferred to the court exercising the jurisdiction under this Act which corresponds, so far as may be, to the jurisdiction of the court in which the proceeding was pending, and the court to which the proceeding so stands transferred shall proceed to try, hear and determine the matter as if it had been pending in that court.

(3) Every decree or order made or sentence passed by any of the existing civil courts shall be deemed for the purposes of execution to have been made or passed by the corresponding court established under this Act.

*Explanation.*—In this sub-section, the expression "corresponding court" means the court in which the case or proceeding in which the decree or order was made or sentence was passed would have lain, if the case or proceeding had been instituted after the commencement of this Act.

(4) Where any existing civil court has by reason of its abolition under section 42 ceased to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which if that court had not ceased to have jurisdiction might have been had theremay be had in the court to which the business of the former court has been transferred under this section.

**44. Repeals and savings.**—The Vindhya Pradesh (Judicial Commissioner's Court) Ordinance, 1950 (X of 1950) and the Bhopal (Courts) Ordinance, 1950 (XI of 1950) are hereby repealed.

Provided that the repeal by this Act of any of the Ordinances aforesaid shall not affect—

(a) the previous operation thereof; or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Ordinance so repealed; or

(c) any investigation, legal proceeding or remedy in respect of any such punishment.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the provisions of the preceding proviso, anything done or any action taken, including any appointment or delegation made, notification, instruction or direction issued, or any rule, regulation or form issued or framed under any Ordinance hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### STATEMENT OF OBJECTS AND REASONS

Consequent on Vindhya Pradesh and Bhopal becoming Chief Commissioners' Provinces, two Ordinances were issued on the 25th January, 1950, establishing Judicial Commissioners' Courts in these Provinces. These Ordinances will cease to be operative on the 25th July, 1950 and it is therefore necessary that they should be replaced by an Act of Parliament.

2. The Ordinance relating to Vindhya Pradesh provided for the constitution of the Judicial Commissioners' Court only. Provision is included in the Bill for the constitution of subordinate courts also in Vindhya Pradesh.

VALLABHBHAI PATEL.

NEW DELHI;

The 4th March, 1950.

#### BILL No. 34 of 1950

*A Bill further to amend the Inland Steam-vessels Act, 1917.*

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Inland Steam-vessels (Amendment) Act, 1950.

2. **Amendment of section 70, Act I of 1917.**—In section 70 of the Inland Steam-vessels Act, 1917,—

(i) for the words "State Government", the words "Central Government" shall be substituted; and

(ii) the proviso shall be omitted.

#### STATEMENT OF OBJECTS AND REASONS

Before the Government of India Act, 1935, came into force, the Provincial Governments (as they were then called) had the power to define how much of a tidal water should be deemed to be an inland water for the purposes of the Inland Steam-vessels Act, 1917. But with the inclusion of "Shipping and navigation on tidal waters" in the Federal List in the Government of India Act, 1935, the Provincial Governments ceased to exercise any such powers by reason of a consequential adaptation made in section 70 of the Act. The adaptation, however, did not substitute any other authority for the Provincial Government, and the present Bill seeks to vest the power in the Central Government.

K. SANTHANAM.

NEW DELHI;

The 8th April, 1950.

M. N. KAUI,

*Secretary.*

